

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Environmental Preservation and Conservation Committee

BILL: SB 2618

INTRODUCER: Senator Constantine

SUBJECT: Relating to the Fish and Wildlife Conservation Commission

DATE: March 23, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Kiger	EP	Pre-meeting
2.			CJ	
3.			JU	
4.			FT	
5.			GA	
6.				

I. Summary:

The bill amends and updates many statutes that relate to a broad spectrum of programs under the Florida Fish and Wildlife Conservation Commission's jurisdiction (FWC/Commission). The bill does the following:

- Clarifies FWC's statutory responsibilities related to the Florida Aquatic Weed Control Act (s. 369.20 F.S).
- Helps to complete the 2008 Legislature's transfer of the Bureau of Invasive Plant Management (Bureau) from the Department of Environmental Protection (DEP) to the FWC.
- Gives FWC greater flexibility in disposition and handling of evidence associated with wildlife, fish or game violations.
- Upon conviction, it allows evidence to be sold and specifies how the revenues from such sale will be distributed.
- Repeals the shoreline exemption, authorized for Florida residents to fish from the saltwater shoreline or a structure fixed to the land; provides exemptions.
- Reduces the time period from 3 to 2 years when commercial lobster trap certificates will be considered abandoned and will revert to FWC.
- Specifies penalties associated with violations related to aquatic weed and plant control. It specifies that related fines will be deposited in the Invasive Plant Control Trust Fund.
- Designates the osprey as the official Florida state bird.
- Increases the voluntary fee for obtaining a Florida manatee license plate (\$20 to \$25).
- Increases the voluntary fee for obtaining a Conserve Wildlife license plate (\$15 to \$25). And
- Increases the fee for registering a previously out-of-state registered vehicle from \$4 to \$10 and deposits the additional revenue into the Nongame Wildlife Trust Fund.

Except as otherwise specified this act shall take effect July 1, 2009.

This bill amends the following Florida Statutes: sections 206.606, 253.002, 319.32, 320.08056, 369.20, 369.22, 369.25, 379.209, 379.304, 379.338, 379.353, 370.3581, 379.366, 379.3671, 379.3751, 379.3761, 379.3762, 379.401, 379.4015, 403.088.

The bill creates the following Florida Statutes: sections 15.3055, 379.3381, 379.501, 379.502, 379.503, 379.504.

II. Present Situation:

Aquatic and Invasive Plant Control

FWC's aquatic plant management program designs, funds, coordinates, and contracts aquatic plant control efforts in Florida's 1.25 million acres of public waters. Florida Statutes and rules (s. 369.20, s. 369.22, and Commission rules¹) govern this activity. Public water bodies are sovereignty waters accessible by public boat ramps. Invasive aquatic plants, mostly hydrilla (*Hydrilla verticillata*), water hyacinth (*Eichhornia crassipes*), and water lettuce (*Pistia stratiotes*) are managed or controlled in several hundred water bodies each year.

During the 2008 Legislative Session section 206.606, F.S., was amended to change all references from DEP to FWC. This proposal corrects one reference that was missed. During the 2008 Legislative Session, SB 1294 was filed which, among other issues, transferred the statutory authority of the State's invasive plant management program from DEP to FWC. Inadvertently, SB 1294 did not include a Type Two transfer of the Bureau of Invasive Plant Management, which provides a mechanism for transferring an agency program/subunit in its entirety from one agency to another, including all powers, duties, functions, records, personnel, property, appropriations, trust funds, or other funds associated with the program.

The Legislature added the Type Two transfer language to HB 7059, FWC's "seagrass" bill. The Governor vetoed HB 7059 for an issue unrelated to the transfer of the invasive plant management program. Following the 2008 Session, the personnel, property, records, and funding were transferred by the Legislative Budget Commission; however, it has been determined that the Invasive Plant Control Trust Fund, the program's trust fund, cannot be legally moved from DEP to FWC without specific legislation.

Prior to the Invasive Plant Management program being transferred from DEP to the FWC during the 2008 Florida legislative session, violations of the statutes and rules related to aquatic plant management were resolved by DEP using the judicial or administrative remedies in sections 403.121, 403.131, 403.141 and 403.161, F.S. Amendments were not made to existing law during the 2008 legislative session that would allow FWC to pursue resolution to violations of the aquatic plant management statutes and rules by judicial or administrative means. Currently, the only means FWC has to resolve these violations is to use the Commission's overall criminal penalty provisions. FWC does not feel that criminal penalties are appropriate for violations of the aquatic plant management statutes and rules.

¹ http://www.myfwc.com/WILDLIFEHABITATS/Nonnative_index.htm (last visited March 21, 2009)

Many of the aquatic plant management activities occur on sovereign submerged lands and require approval from the Board of Trustees of the Internal Improvement Trust Fund (BOT) or their representative prior to activities being implemented. When the Invasive Plant Management program resided in DEP it was administered by the Bureau within the Division of State Lands. The Division of State Lands is the BOT representative. Therefore, when the Bureau authorized activities on sovereign submerged lands, no further action was required by the BOT. During the 2008 Florida legislative session, SB 1294 authorized the BOT to delegate to FWC the authority to allow activities pursuant to s. 369.20, F.S., but inadvertently left out the authorization to delegate the authority for activities pursuant to s. 369.22, F.S. The Legislature tried to correct this oversight and added the full authorization to HB 7059, but the bill was vetoed by the Governor for an unrelated issue. This proposal also clarifies that the BOT may delegate to the Department of Agriculture and Consumer Services (DACS) the authority to allow activities on sovereign submerged lands related to activities under ss. 369.25-369.251, F.S.

Section 403.088, F.S., states that a water pollution operation permit is not required from DEP for the application of approved herbicides to control aquatic weeds or algae provided the application is performed pursuant to a program approved by DEP. When the Bureau was in DEP the requirements of this statute were being met. However, now that the invasive plant control program has been moved to FWC the reference to a program approved by the “department” needs to be changed to a program approved by the “Fish and Wildlife Conservation Commission”.

Confiscation and Disposition of Evidence

A forfeiture process for handling commercial harvested saltwater products is outlined in section 379.337, F.S. A conviction is required before the saltwater products are disposed of, or the proceeds of the sale of the saltwater products can be disbursed. No such provision, however, exists for recreationally harvested saltwater fish that are deemed to be in violation of statute or rule.

Section 379.338, F.S., allows game and freshwater fish to “be forfeited and given to some hospital or charitable institution.” It also provides for disposal of the game and freshwater fish “upon conviction of the offender or sooner if the court so orders.” In most counties statewide, there is a standing administrative order with the courts authorizing the pre-conviction disposal of freshwater fish and game; but Florida law does not have such a provision for recreationally caught saltwater fish.

In the majority of cases, illegally harvested saltwater fish that are seized are seldom presented as evidence at trial and become severely freezer burned and unwholesome after being stored in evidence freezers for an extensive amount of time. After the case is closed, the evidence is no longer useful to the court, charity, or the defendant and is disposed of at a landfill.

Currently, fish and wildlife are being seized and stored at a faster rate than they are being removed from evidence by court order. A large number of local police and sheriff departments that seize fish and wildlife do not have freezers to accommodate such evidence and use FWC freezers for storage. This adds to the volume and places an additional administrative burden on FWC staff to process additional evidence. These situations have required FWC to purchase and

create space for more freezers. All evidence facilities must be in compliance with accreditation standards and expanding evidence facilities often requires the installation of fencing and other security measures, further increasing the cost to store evidence.

To complete the evidence process, an officer may be required to spend several hours away from patrol. Currently, the process begins from the initial seizure and ends when the officer returns from the evidence storage facility. Officers are usually patrolling in remote areas and may drive in excess of fifty miles one way to a storage facility.

Repeal of Fishing from Shoreline License Exemption

Florida resident anglers fishing from the saltwater shoreline or from a structure fixed to the land have been exempt from purchasing a saltwater license since its inception in 1989. Survey data indicates that about 71% of resident shoreline anglers do not possess a license. The price for a resident saltwater fishing license is \$15.50.

FWC estimates that between 210,000 and 338,000 resident anglers would be required to buy a license if the shoreline exemption were removed. It should be noted that non-residents do not qualify for the shoreline exemption, only Florida residents. A percentage of shoreline anglers would not have to buy a license because they already have one, or they are exempt from the license requirement because of other exemptions such as being 65 years of age or older, younger than 16, or disabled. It is also likely that a percentage of resident anglers who would be required to buy a license may nonetheless choose not to purchase one.

The 2006 Congressional reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) created a registry program for recreational fishermen fishing in federal waters and also those fishing for anadromous species (spawn in freshwater, live in saltwater). This program is mandated to assist in data collection with statistical surveys and evaluating the effects of proposed conservation and management measures. Congress directed the Department of Commerce to complete the registry program and implement an improved statistical survey no later than January 1, 2009, and authorized a fee to be charged beginning January 1, 2011. The legislation allows for an exemption to federal licensing in a state with an approved licensing system. Although implementation of the federal registration is still under development, officials of the National Marine Fisheries Service (NMFS), an agency within the Department of Commerce, indicate that Florida's shoreline exemption would prohibit its license system from being approved, thus requiring the federal registration for Florida anglers. A modification of the final federal rule provides an additional year, until January 1, 2010, to provide time for states to consider implementing license systems that would exempt state anglers from the federal registration requirement.² This issue was submitted to the 2007 and 2008 Legislatures but was not acted upon.

Reversion of Commercial Lobster Trap Certificates

According to the FWC, in 1992, the legislature created the Lobster Trap Certificate Program in response to concerns about the rapid growth of the lobster trap fishery, which had resulted in increased congestion and conflict on the water, excessive mortality of undersized lobsters, a

² Three states have a shoreline exemption (South Carolina) or a variation (Virginia and Maryland).

declining yield per trap, and public concern over petroleum and debris polluting existing traps. The goal of this program was to solve these and related problems by reducing the number of traps while stabilizing the fishery.

The Lobster Trap Certificate Program controls the number of traps in the lobster fishery using trap certificates that are issued to individual lobster fishers by FWC. Fishers may fish one lobster trap for each certificate they own. A tag comes with every certificate and is required to be attached to the respective trap. There is an annual one dollar fee per certificate. Fishery-wide, the average number of certificates held by lobster trappers is approximately 700. A recently conducted socio-economic analysis of the spiny lobster trap fishery revealed that most full-time lobster trappers typically own approximately 1,000 certificates or more.

In 2005, the FWC Division of Marine Fisheries Management staff assembled an *ad hoc* Spiny Lobster Advisory Board (Board). The Board was composed of stakeholders in the spiny lobster fishery, including recreational and commercial lobster harvesters, a wholesale seafood dealer, an FWC representative, a member of a non-governmental organization, and a staff member from the Florida Keys National Marine Sanctuary. The Board was assembled to assist FWC staff with its comprehensive evaluation of Florida's spiny lobster fishery management strategy. The Board met nine times at publically-noticed meetings in the Florida Keys from July 2005 through May 2007. At the May 2007 meeting, the Board finalized several recommendations to the FWC on ways to improve the management of the spiny lobster fishery. One such recommendation was to reduce the legislatively-defined time that unpaid lobster trap certificates are considered to be abandoned and revert to the FWC. They recommended that this time period be reduced from three to two years.

Alligator Trapping and Farming Agents

Section 379.3751, F.S., was enacted in 1987 as part of a suite of alligator management statutes to address the then Game and Freshwater Fish Commission's new alligator harvest program. The licensing statute was enacted to ensure there would be no long-term negative impacts on the alligator resource and to prohibit persons who had been illegally exploiting the resource from participating in the industry. The statute provides the framework for the current FWC to charge for an alligator farming, alligator farming agent, alligator trapping, alligator trapping agent, and alligator processing licenses. It also details the types of activities authorized for each of these licenses relative to taking alligators and alligator eggs, provides prohibitions on who cannot be issued these licenses, provides the framework for the Commission to charge for alligator egg collection permits, and requires a portion of these fees to be transferred to the Department of Agriculture and Consumer Services for alligator marketing and education activities.

Currently, there are approximately 50 licensed alligator farmers. The alligator farming license costs \$250, regardless of residency. The license is required for raising and propagating alligators in captivity for the sale of the alligators' hides and meat. On average, 25,000 alligators are slaughtered each year for this purpose. Persons assisting alligator farmers must be in possession of an alligator farming agent license, which costs \$50 regardless of residency. Alligator trappers desiring to engage in the harvesting of alligators must purchase an alligator trapping license at a cost of \$250 for residents or \$1,000 for non-residents. This license is a prerequisite for participating in any one of three harvest programs established by the Commission:

- Statewide Alligator Harvests - these harvests are recreational in nature and provide more than 4,800 hunting opportunities to the general public.
- Private Lands Alligator Harvests - these harvests are commercial in nature and are designed to return some of the economic value of the alligator resource back to the landowner as an incentive for the landowner to maintain wetland habitats.
- Nuisance Alligator Harvests - these harvests are for public safety, but provide monetary to compensate the trappers for expenses incurred.

Persons assisting alligator trappers must be in possession of an alligator trapping agent license, which costs \$50 regardless of residency. Under the current statute, alligator trapping and farming agents are bound to an individual trapper or farmer; so individuals wishing to be an agent for multiple trappers or farmers must purchase multiple agent licenses. The original intent was to ensure that every agent could be traced back to a permitted trapper or farmer. This trace-ability is no longer necessary. The agent's license provides adequate identification information.

The current statute does not provide for trapping and farming agents to possess, process, and sell hides and meat, which is a normal, common business practice. These privileges are authorized for alligator trappers and farmers, although the statutory language for alligator farmers is confusing. These privileges were originally excluded for agents to ensure that all business transactions were tied only to a permitted trapper or farmer to allow for greater oversight. Given the changes in the alligator industry since 1987, there is no longer a need to restrict these business opportunities to this degree.

Designating the Osprey as Florida's State Bird

The Northern mockingbird is currently the state bird for Florida. It is also the state bird in Arkansas, Mississippi, Tennessee and Texas. It is neither unique nor representative of Florida as a state symbol. The mockingbird was adopted as the state bird of Florida by Florida Senate Concurrent Resolution No. 3, approved on April 23, 1927. Since the mockingbird was adopted by Senate Concurrent Resolution, it is not codified in Florida Statutes.

According to the FWC, the selection of the osprey as a new state bird candidate for Florida involved a partnership between the FWC, Florida Department of Education and Kids Voting Leon County. Students in grades 4-8 participated in a statewide vote to select a proposed new state bird. The process encouraged teachers and students to learn more about the democratic process of elections by utilizing all aspects of the election process including campaigning and voting. The process also created awareness and increased knowledge about Florida's birdlife. Voting occurred simultaneously with the national election on November 4, 2008.

Manatee License Plate Fee Increase

In 2008, there were 53,452 *Save the Manatee* specialty license plates renewed and 12,608 new plates issued, for a total of 66,060 plates. In January 2009, the manatee plate was the sixth most popular specialty plate in Florida. Sale of these plates generated \$1,232,564 in FY 07-08 which was used by the FWC for manatee research, protection and conservation activities.

Over the past six years, revenues from the license plate contribution have declined on average about 7.7% per year:

FY 02/03	\$1,840,524
FY 03/04	\$1,656,707
FY 04/05	\$1,542,458
FY 05/06	\$1,392,730
FY 06/07	\$1,289,421
FY 07/08	\$1,232,564

This revenue decline has constrained available funding to support manatee conservation as program costs rise with inflation. Due to inflation, the price would have to be \$26.29 today to have the same buying power that \$20 had in 1999, when the price was last adjusted. Overall, program costs are currently about \$250,000 higher than the recurring revenues coming into the trust fund. This condition is expected to worsen if the trend in declining revenues continues.

Conserve Wildlife License Plate Increase

Since 2000, proceeds from sales of the *Conserve Wildlife* specialty vehicle tag have benefitted the FWC. The funds are directed to the Wildlife Foundation of Florida, Inc. (Foundation) that is a citizen support organization for FWC created under s. 379.223, F.S. The Foundation, in turn, makes these funds available as grants to the FWC for projects to benefit non-game wildlife programs. Since 2000, Conserve Wildlife grants have provided approximately \$2.945 million for 83 projects. Projects have benefitted species such as the Florida black bear, burrowing owl, and red-cockaded woodpecker. Nearly all divisions of the FWC have received assistance from Conserve Wildlife Tag (CWT) grants. A few representative projects follow:

Over several years, CWT grants funded the FWC’s Black Bear Response Agent program. This began as a pilot program in 2003. The grant funded recruitment and training of private contractors to respond to nuisance black bear complaints. Prior to this program, FWC biologists responded to nuisance bear complaints. The response agents free the FWC biologists to continue their work on behalf of all of Florida’s fish and wildlife and their habitats.

In FY 2006-07, the FWC received a CWT grant to test a method of removing a breeding population of Gambian Pouch Rats that had established itself on Grassy Key, north of Marathon in the Florida Keys. The FWC partnered with the US Department of Agriculture to test an eradication strategy on a smaller population on nearby Crawl Key. The project was instructive in refining the techniques for removing the target exotic species while leaving local wildlife undisturbed.

The FWC’s Fish and Wildlife Research Institute received a CWT grant to develop a detailed GIS map of the coral habitat in Hawks Channel in the Florida Keys. The data sets generated from this project received a tremendous response from the marine research community. NOAA used these data to complete a new habitat map for south Florida and may use the data for rezoning efforts underway in the Florida Keys National Marine Sanctuary.

The Foundation holds a small percentage of funds aside every year for emergency needs , such as unanticipated events that require immediate action. For example, fish kills, bird kills, or disease outbreaks. These funds are released only when FWC funds or other grant sources are not available. For example, FWC accessed these funds in FY 2005-06 for an emergency disease

survey of Florida’s deer population. FWC biologists tested deer for presence of Chronic Wasting Disease (CWD), a fatal virus that threatened wild deer populations in northern and mid-western states. FWC found no evidence of CWD in Florida.

Since its inception, the Conserve Wildlife specialty license plate has been one of the better selling specialty tags. However, it has declined in rank from 12th to 16th in sales when compared to all specialty tags. Sales figures for the five years between 2003 and 2007 show revenues declined about 16%.

<i>Fiscal Year</i>	<i>Revenue</i>	<i>Grants Awarded</i>
2007-08	\$394,840	\$354,807
2005-06	\$444,483	\$343,145
2004-05	\$483,884	\$368,867
2003-04	\$469,050	\$455,319

Registering A Previously Out-Of-State Registered Vehicle Fee Increase

Currently, the Department of Highway Safety and Motor Vehicles (DHSMV) charges \$28 for each original title issued for vehicles previously registered outside of Florida. Four dollars of this fee is directed to the FWC Non-Game Wildlife Trust Fund (NGWTF).

The NGWTF supports wildlife management, conservation, and research. FWC focuses these funds on species such as birds, reptiles, amphibians, and land mammals and their habitats. The trust fund supports FWC’s efforts to conserve and manage non-game (not hunted or fished) species with an emphasis on imperiled species. Staff functions include: serving as Florida’s experts for a broad range of species, implementing species management plans, issuing permits that authorize disturbance or take of wildlife, initiating conservation activities, commenting on regulated land used and many other wildlife management needs.

Growing shortfalls in the trust fund (from title fees and speeding fines) have forced FWC to cut-back species conservation efforts that stem the further decline of Florida’s important wildlife species. The revenue generated from the \$4 add-on fee to title a vehicle in the State of Florida for 2007-2008 was approximately \$2.2 million.³ This revenue will comprise about 39% of the NGWTF projected annual revenue from all sources in FY 2008-09. If no action were taken by FWC on the spending side, operational costs would exceed revenue by about \$1.7 million in FY 2008-09 and about \$1.9 million in FY 2009-10. Thus, FWC has taken action to revert funds - \$930,000 in FY 2007-08 - to balance expenditures against projected revenues. This has led to program reductions.

Appropriations from the NGWTF currently support ten studies to acquire information necessary for the management and conservation of non-game wildlife. The studies include work on bears, shore birds, beach mice, and several threatened and declining bird species. However, staffs have identified over 375 studies that should be conducted to support conservation and management of

³ According to the FWC, 07-08 revenue from the \$4 add-on fee to title a vehicle in Florida was \$2,233.325.

Florida's most vulnerable species. Current funding is substantially less than the amount needed to address these species.

The NGWTF has supported a grants program that funds projects to meet the above-described efforts. Historically, FWC has awarded approximately \$400,000 per year in grants to state agencies, universities, and private individuals, companies, and organizations through this program. The funded projects have been instrumental in meeting information needs for management and conservation of non-game wildlife in the state. FWC has suspended the grants program because of declining revenue.

III. Effect of Proposed Changes

Sections 1-5, and Sections 17-21

Amends sections (Section 1-5,) 206.606, 253.002, 369.20, 369.22, 369.25, F.S., relating to aquatic and invasive plant control and moves a trust fund from DEP to FWC. Creates sections (Sections 17-21) 379.501, 379.502, 379.503, 379.504, F.S. and amends section 403.088, F.S., establishing penalties and conditions related to water pollution.

The bill specifies a Type Two transfer of the Bureau of Invasive Plant Management and the Invasive Plant Control Trust Fund from DEP to FWC. Further, it will allow the FWC to utilize judicial and administrative remedies, instead of criminal penalties, to resolve aquatic plant management permitting violations. It authorizes the BOT to delegate to FWC all necessary authority to take final action on sovereign submerged lands and properly implement the aquatic plant management program. Finally, the bill would require DEP and FWC to enter into an interagency agreement to establish the procedures for program approval considering public health, welfare, and safety, as well as environmental factors.

Sections 6-8

Amends section 379.304, 379.338, F. S., and creates section 379.3381, F.S., providing for the disposition and photographing of evidence.

This bill allows recreationally harvested saltwater fish to be disposed of in the same manner as freshwater fish and game. It would allow the officer to photograph the evidence and keep the seized fish or wildlife on ice and dispose of it when convenient to their patrol activities. The bill specifies how evidence is to be photographed in order for the photograph to be introduced as evidence. The photograph is to have a written description of the fish or wildlife, the name of the violator, the location where the incident occurred, the name of the investigating officer, the date the photograph was taken, and the name of the photographer. This writing must be made under oath by the investigating officer, and the photograph must be identified by the signature of the photographer.

The officer would have the option to offer the evidence to a nearby charitable institution, DNA lab or research facility or retain the illegal product and use it for training purposes. Additionally, the law enforcement agency could sell the evidence, if appropriate, or destroy the evidence if it were deemed unwholesome. FWC would identify the local hospitals and charitable institutions that are interested in receiving fish and wildlife donations and develop a rotation process so that donations are divided equally. All live fish and wildlife is to be documented and returned to the

wild unharmed, or if an exotic, it is to be disposed of according to Commission rule. This would allow officers to work more efficiently in the field and focus their efforts on patrolling the woods and water, rather than processing evidence.

Section 9

Amends section 379.353, F.S., related to fishing licenses and the shoreline license exemption.

The repeal would require all Florida residents to possess a saltwater fishing license if they fish from Florida's saltwater shoreline or from a structure fixed to the land. An exemption would be authorized for residents who are eligible for food stamps, temporary cash assistance or Medicaid programs and have proof of identification. In addition, resident shoreline anglers would not be required to have a license if they are otherwise exempted (65 or older, younger than 16, etc.).

If Florida eliminates the shoreline exemption and its anglers are consequently exempted from the impending federal registration, Florida anglers fishing in federal waters off of Florida, and those anglers fishing in Florida for an anadromous species, such as striped bass or shad, would not be required to obtain the federal registration that is required under the Magnuson-Stevens Fishery Conservation and Management Act. According to the FWC, it would also create parity among saltwater anglers and would distribute the cost of marine fishing conservation to a broader cross-section of the angling public.

Sections 10 and 11

Repeals section 379.366, F.S., relating to Blue Crab traps regulation and amends section 379.3671, F.S., provisions for the spiny lobster trap certificate program.

This bill will assist FWC's fisheries biologists and managers to more accurately assess the status of the lobster fishery. The FWC uses the number of available trap certificates as an estimate of the number of lobster traps used in the commercial lobster fishery and the potential level of fishing effort. The proposal would benefit the lobster trap fishery by increasing the rate at which unused lobster trap certificates are removed from the fishery. Such removals will result in enhanced management strategies that ensure the health of the spiny lobster population and the fishery it supports.

Sections 12-16

Amends sections 379.3751, 379.3761, 379.3762, 379.401, and 379.4015, F.S., related to alligator trapping and farming agents licenses and specific penalties.

The bill eliminates the requirement that all farming and trapping agent licenses be issued under a specific alligator farming or alligator trapping license holder. It allows alligator farming and alligator trapping agents to possess, process, and sell alligator hides and meat. It eliminates the prohibition on issuing alligator farming, alligator farming agent, alligator trapping, alligator trapping agent, and alligator processor licenses to persons who have been convicted of any violation of s. 379.3015, F.S. or s. 379.409, F.S., or Commission rules related to the illegal taking of crocodilian species. It includes clarifying language that allows alligator farmers to possess and process alligator hides and meat for sale

Section 22

Creates section 15.0355, F.S., designating the osprey as Florida's official state bird. The effective date for this section is October 1, 2009.

Section 23

It amends section 319.32, F.S., to increase the out-of-state vehicle title fee from \$4 to \$10 and deposit the revenue into the Nongame Wildlife Trust Fund (NWTF) and stabilize the trust fund.

Section 24

Amends section 320.08056, F.S., to increase the Conserve Wildlife license plate fee from \$15 to \$20 and the Save the Manatee license plate from \$20 to \$25. The additional revenue from each plate will go toward funding high priority wildlife conservation and research projects as well as maintaining and implementing manatee programs.

Section 25-26

Amends sections 319.32, and 379.353, F.S., to provide necessary conforming and technical changes.

Section 27

Except as otherwise provided the act shall take effect July 1, 2009.

IV Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V Fiscal Impact Statement:**D. Tax/Fee Issues:**

None.

E. Private Sector Impact:**Recreational Licenses and Permits**

Florida residents who recreationally saltwater fish from the shoreline or from a fixed structure will be required to purchase a saltwater fishing license, which costs \$15.50, unless they qualify for an exemption. Exemptions include those over 65, under 16, or eligible for Medicaid.

Alligator Trapping and Farming Agents

According to the FWC, approximately 110 fewer agent licenses are expected to be sold, which could negatively impact online and walk-up license merchants. The fiscal impact, however, would be negligible. As a cost savings, certain individuals acting as agents will not be required to buy multiple licenses.

Lobster Trap Certificate Program

According to the FWC, the bill increases the number of lobster trap certificate owners who will have their certificates considered abandoned and revert back to FWC. Since 2002, on average 1,100 certificates annually (2% of total available certificates) were forfeited due to non-payment. A large majority of the certificate owners affected by the proposal are likely not actively participating in the spiny lobster trap fishery, and are most likely not full-time commercial spiny lobster fishers. Therefore, the FWC anticipates a negligible decrease in revenue.

F. Government Sector Impact:Specialty License plates

The Department of Highway Safety and Motor Vehicles will experience an unknown administrative cost to implement the fee increase of specialty license plates. The fee structure of the license plates will need to be adjusted.

Registering A Previously Out-of- State Registered Vehicle Fee Increase

The bill's proposed increase to the vehicle title fee will increase revenues to the NGWTF and stabilize the trust fund. This will eliminate the need for the agency from making permanent, significant reductions in services to the citizens of Florida. The agency will be able to continue species conservation activities including bear management, environmental commenting, development and implementation of non-regulatory incentive-based programs for landowners and developers, providing regulatory consistency through a streamlined permitting program, and providing technical assistance relating to wildlife to the inquiring public, landowners, non-governmental organizations, the regulated community, conducting research, and awarding research grants.

Alligator Trapping and Farming Agents

Approximately 110 fewer agent licenses are expected to be sold, which would negatively impact some county tax collector's offices. The fiscal impact is expected to be negligible.

Lobster Trap Certificate Program

A large majority of the certificate owners affected by the proposal are likely not actively participating in the spiny lobster trap fishery since they are not paying their annual certificate fees and may or may not pay them in the future. Therefore, the FWC anticipates a negligible decrease in revenue.

Confiscation and disposition of evidence in saltwater fish, freshwater fish, and wildlife cases

According to the FWC the current transportation costs average \$44/case involving seizure. The average officer's time involved in transporting and checking in the evidence

is approximately 2.5 hours at an average hourly officer rate of \$33.93/hour. The positive fiscal impact for FWC could exceed \$40,000 annually.

Recreational licenses and permits

FWC provided the following:

According to the FWC, if the shoreline exemption were removed, it is estimated that between 210,000 – 338,000 resident anglers would be required to buy a license. This estimate is based on a 25% protest loss (those “protesting” the change and choosing not to fish), and a 27% simple noncompliance rate. Multiplying the low and high estimates by the \$15.50 price of the license shows that FWC can expect a \$1.7 million - \$2.5 million in increased annual revenues to MRCTF. This does not include projections of decreased protest loss and increased compliance in subsequent years. These calculations are all based on the 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, the Federal Marine Recreational Fishing Statistics Survey and an independent angler survey conducted for FWC in 2005.

The Revenue Estimating Conference met on March 19, 2009, to review the proposed fiscal impact of the repeal of the shoreline exemption. The conference estimated that the annual revenue for the FWC for 2009-2010 would range from \$1.7 million to \$2.8 million.

Summary of the fiscal impact to the FWC:

Revenue Decreases

Alligator Trapping License Sales (SGTF ⁴)	\$ 5,500
Lobster Trap Certificate Reversion (MRCTF ⁵)	3,500

Revenue Increases

From Conserve Wildlife License Plate Increase	\$106,422
Manatee License Plate Increase (STMTF ⁶)	303,000
Shoreline Exemption Repeal (MRCTF)	1.7M – 2.5M
Vehicle Title Increase for Non-game Program (NWTF ⁷)	2.5M – 3.2M
Disposition of Evidence (MRCTF)	<u>40,000</u>

Total Estimated Increases: \$4,440,442 to \$6,140,000 annually

VI Technical Deficiencies:

None.

VII Related Issues:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

⁴ State Games Trust Fund

⁵ Marine Resources Conservation Trust Fund

⁶ Save the Manatee Trust Fund

⁷ Nongame Wildlife Trust Fund